

STAFF REPORT

To: Southern Shores Planning Board
Date: September 18, 2023
Case: SUP-23-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Ginguite, LLC
P.O. Box 90
Kill Devil Hills, NC 27948

Applicant's Representative: Cathleen M. Saunders, P.E.
Quible & Associates, P.C.
P.O. Drawer 70
Kitty Hawk, NC 27949

Requested Action: Special Use Permit for a mixed use group development of commercial and residential buildings.

PIN #: 986606491459
Location: 6195 N. Croatan Hwy.
Zoning: C, General Commercial District and R-1 Low Density Residential District

Existing Land Use: "Commercial"

Surrounding Land Use & Zoning:

North- Residential; R-1, Low Density Residential District
South- Highway 158, Town of Kitty Hawk
East- Residential; C, General Commercial District
West- Ginguite Creek; OSW, Ocean and Sound Waters District

Physical Characteristics: Vacant

Applicable Regulations: Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

ANALYSIS

The applicant seeks a Special Use Permit for a mixed use group development of commercial and residential buildings at 6195 N. Croatan Hwy. The proposed development consists of one residential building (east building) and one building with residential units, retail area, office space, and a restaurant (west building). The total number of proposed residential units is 36. Parking areas include the use of permeable pavement in order to be eligible for a maximum gross lot coverage of 67% instead of 60%. Currently, the proposed gross lot coverage is 64.2%. The proposed net lot coverage for the residential buildings and parking spaces is 27.4%. A 20 ft. vegetative buffer is shown along the northern property line adjacent to the All Saints' Episcopal Church property. A vegetative buffer consisting of one understory tree and one shrub alternated 10 ft. on center is proposed along a portion of the eastern property line adjacent to Southern

Shores Landing.

A 5 ft. vegetative buffer is proposed along the southern property line adjacent to the Hwy. 158 right-of-way which has been modified so that it does not come within 50 ft. of existing Dominion power poles. Proposed signage for the development includes two monument/freestanding signs and six “Commercial Parking Only” signs. There are 200 proposed parking spaces (including credit for 3 spaces for 3 bicycle racks), with 42 of them being permeable, and 199 spaces are required. Sanitary sewer for the development is to be collected via a gravity sewer network. The system will collect to an off-site lift station that will pump sewage to an existing wastewater treatment plant that currently serves Southern Shores Landing. A lighting plan and specifications have also been provided and the lighting plan shows that the proposed lighting does not exceed one footcandle of light at the property lines.

RECOMMENDATION

The Town’s Land Use Plan identifies the subject property as Commercial in the C, General Commercial zoning district which is consistent with the improvements proposed in the application. However, the subject property is adjacent to properties that are identified in the Land Use Plan as Residential. The Town’s Land Use Plan contains the following Goal, Policies and Action Items that are applicable to the application:

- **Goal 2:** Protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing character of Southern Shores.
- **Policy 2:** The community values and the Town will continue to comply with the founder’s original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town). This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.
 - **Action Item 2-b:** The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling and redevelopment within Southern Shores.
- **Policy 7:** Support stormwater management programs that reduce flooding and improve coastal water quality.
 - **Action Item 7-b:** Encourage the use of Low Impact Development (LID), vegetative buffers to filter stormwater, impervious surface limits, and innovative stormwater management alternatives to reduce runoff and to improve water quality.
- **Policy 26:** Promote open space, tree protection, and natural vegetation diversity.
 - **Action Item 26-b:** Encourage lot preparation methods that preserve natural vegetation and minimize clear cutting.

Town Code Section 36-207(c) establishes that Special Use Permits shall be subject to conditions and modifications relating to impacts on adjacent properties, transportation and transportation

systems, transportation interconnectivity, stormwater, utilities and telecommunications facilities (including capacity), vegetation and other elements of the natural environment, noise, hours of operation, and other factors that the Town Council finds applicable; and additional regulations and requirements imposed by the Town Council, as provided in Article X of the Zoning Ordinance. Town Staff recommends that the Board recommend conditional approval of the application to the Town Council with the following conditions:

1. The following approvals shall be issued prior to submittal of a Building Permit application:
 - a. Soil Erosion Sedimentation Control Plan Permit for land disturbance over 1 acre from the NCDEQ;
 - b. Stormwater Management Permit from the NCDEQ;
 - c. NCDOT driveway permit and/or encroachment application for work in a State right-of-way;
 - d. Modification to Permit No. WQ0017224 from the NCDEQ (tentative wastewater approval received);
 - e. CAMA Permit from the NCDEQ;
 - f. Review and approval of potable water distribution system modifications or extensions by the Dare County Water Dept. (tentative approval received);
 - g. Receipts for payment of water connection fee from the Dare County Water Department;
 - h. Water Main Extension Permit from the NCDEQ.
 - i. Lot Disturbance/Stormwater Management Permit from the Town; and
 - j. Approval from the Dominion Energy Transmission Group.
2. Prior to submittal of construction drawings, an updated fire hydrant flow test must be conducted and witnessed by Town Staff.
3. Construction drawings shall demonstrate compliance with Needed Fire Flow requirements, and all other applicable Fire Code requirements.
4. The site plan identifies a “Marina.” The “Marina” is a series of docks and piers which are not permitted in the C, General Commercial zoning district (see interpretation letter dated August 14, 2023) and as a result, the proposed “Marina,” proposed dock/picnic area/kayak storage, and proposed dock that extends into Ginguite Creek cannot be approved as a part of the application.
5. If NCDOT requires a traffic impact assessment or traffic study, the requirements in the traffic impact assessment or traffic study must be satisfied prior to submittal of a Building Permit application.
6. Maintain a 50 ft. setback from the eastern property line adjacent to Southern Shores Landing (applicable to buildings and other facilities such as parking spaces, incinerators, trash collection areas, etc.) and preserve the existing natural vegetative buffer.
7. Maintain a 50 ft. setback from the northern property line adjacent to All Saints’ Episcopal Church (applicable to buildings and other facilities such as parking spaces, incinerators, trash collection areas, etc.) and preserve the existing natural vegetative buffer.

8. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.